

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

X CORP., INC.,

Plaintiff,

v.

BRIGHT DATA LTD.,

Defendant.

No. C 23-03698 WHA

PROCEDURAL ORDER

Pursuant to my appointment as Special Master for discovery issues, I issue the following Order to govern discovery matters henceforth:

1. All parties will continue to observe the Court's Supplemental Order to Order Setting Initial Case Management Conference in Civil Cases Before Judge William Alsup, subject to the following clarifications and points of emphasis.

2. The parties are reminded about the Court's policies concerning overbroad discovery requests set out in its Paragraph 18. Refusal to enforce overbroad requests can be an expensive deterrent.

3. The parties are reminded of the duty to file privilege logs and to file them timely. This is set out in its Paragraph 25.

4. Paragraphs 27 and 28 set out the process for setting deposition dates.

1 **5.** Paragraph 33 discusses Rule 30(b)(6) depositions. When used thoughtfully, these
2 depositions can minimize the expense and improve the efficiency of discovery. I expect
3 designated witnesses to be prepared to testify about the full scope of the subjects for which
4 they have been designated.

5 **6.** One of the benefits of using a Special Master is availability. In those cases where
6 disputes can reasonably be resolved in an expedited matter, a party can reach me by email at
7 haroldmcelhinny@gmail.com. I will not accept ex-parte communications.

8 **7.** Discovery disputes should be presented by Letter Brief. The Letter should not exceed
9 three pages and must be filed with the Court. The Letter Brief must certify that the party had
10 conferred in a good faith, but unsuccessful, attempt to resolve the dispute. The Letter Brief
11 must also attach, as an appendix, a list, by title, of every exhibit submitted in support of the
12 letter brief. The appendix does not count under the page limit. The attachments themselves
13 need not be filed with the Court, subject to further order. Upon receipt of a Letter Brief, the
14 opposing party may file its own Letter in opposition within three business days of the first
15 filing. The identical rules as to page limits, appendix and attachments apply. The purpose of
16 the Letter Briefs is to permit me to understand the dispute and to determine the most efficient
17 manner in which to resolve it. Attachments should be chosen to further those goals. No
18 additional briefing is permitted unless invited or directed. Motions to Seal, if any, should be
19 directed to the District Court.

20 **8.** Physical, courtesy copies of all discovery filings and all attachments should be sent to
21 me, next-day delivery, at the following address:

22 Harold J. McElhinny
23 67 Dipsea Road
24 PO Box 122
25 Stinson Beach, CA 94970-0122

26 At the conclusion of my service, I will recycle the documents I have received unless a party
27 specifically requests their return.

28 **9.** Normally, all hearings will be by video conference arranged by the moving party. If
any party desires a transcript of a hearing, it must arrange for a reporter and give at least 24

hours' notice to all parties that the hearing will be recorded. No other recording method will be permitted.

IT IS SO ORDERED.

Dated: May 13, 2025.

/s/ Harold J. McElhinny

HAROLD J. McELHINNY
SPECIAL MASTER